

**To:** EOC Technical Specialist[EOC\_Technical\_Specialist@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]  
**Cc:** Gartner, Lois[Gartner.Lois@epa.gov]  
**From:** Fitz-James, Schatzi  
**Sent:** Mon 8/17/2015 6:27:45 PM  
**Subject:** RE: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

Dana will respond to the region and he concurs with OGC's wording, i.e., eliminate or limit, with which the EOC has concurred.

**From:** Dreyfus, Melissa G. On Behalf Of EOC Technical Specialist  
**Sent:** Monday, August 17, 2015 11:48 AM  
**To:** Stalcup, Dana  
**Cc:** Fitz-James, Schatzi; Gartner, Lois  
**Subject:** Fw: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible  
**Importance:** High

Dana,

Please see responses below from EOC and OGC. If OSRTI is ok from the technical standpoint, I think you can let the region know OGC's comments and EOC concurrence.

Thanks

Melissa

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**From:** Gentile, Laura on behalf of EOC Public Information  
**Sent:** Monday, August 17, 2015 11:44 AM  
**To:** EOC Technical Specialist  
**Subject:** Re: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

EOC concurs with OGC suggestion below

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**From:** Dreyfus, Melissa G. on behalf of EOC Technical Specialist  
**Sent:** Monday, August 17, 2015 11:00 AM  
**To:** EOC Public Information  
**Subject:** Fw: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

FYI from OGC...

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**From:** Openchowski, Charles  
**Sent:** Monday, August 17, 2015 10:58 AM  
**To:** Tyner, Lee; EOC Technical Specialist  
**Cc:** Dreyfus, Melissa G.  
**Subject:** RE: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

## Attorney Client/Ex. 5

**From:** Tyner, Lee  
**Sent:** Monday, August 17, 2015 10:46 AM  
**To:** EOC Technical Specialist  
**Cc:** Openchowski, Charles  
**Subject:** Re: For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

## Attorney Client/Ex. 5

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**From:** Dreyfus, Melissa G. on behalf of EOC Technical Specialist  
**Sent:** Monday, August 17, 2015 10:41 AM  
**To:** EOC Public Information; Tyner, Lee  
**Cc:** Grantham, Nancy; Stalcup, Dana  
**Subject:** For Review: New Language for Ely Copper Mine Proposed Plan DDL Today if possible

# Deliberative Process/Ex. 5

Thanks

Melissa

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**From:** Dreyfus, Melissa G.  
**Sent:** Monday, August 17, 2015 9:12 AM  
**To:** Stalcup, Dana  
**Subject:** Re: New Language for Ely Copper Mine Proposed Plan

Dana,

Please see my suggested edits, below. I felt the second part of the first sentence is redundant based on next sentence. Re: "eliminate" potential for uncontrolled release; this is a strong word. It's fine if we can scientifically back that up, otherwise I would suggest "limit" instead.

## **How will EPA protect against a uncontrolled release of water from the Deep Adit?**

**Prior to any excavation activities associated with the Deep Adit, a pre-design investigation will be performed to better understand the conditions within the adit, including the extent to which the adit is full of water. The investigations will**

include the installation of wells to assess the amount of water and water pressure within the adit, geophysics to better understand the configuration of the adit, water quality sampling, and flow measurements. The design will include measures to remove water that is found to be confined in the currently buried Deep Adit portal prior to any disturbance of that portal. These measures will eliminate limit the potential for an uncontrolled release of water from the adit. Once the adit entrance is stabilized, a flow-through bulkhead would be installed to regulate the release of water from the adit to allow treatment of the water prior to it discharging to Ely Brook.

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**From:** Stalcup, Dana  
**Sent:** Monday, August 17, 2015 8:55 AM  
**To:** Dreyfus, Melissa G.; EOC Technical Specialist  
**Subject:** Fwd: New Language for Ely Copper Mine Proposed Plan

Coming your way

Sent from my iPhone

Begin forwarded message:

**From:** "Loughlin, Anni" <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)>  
**Date:** August 17, 2015 at 8:45:08 AM EDT  
**To:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Cc:** "Stalcup, Dana" <[Stalcup.Dana@epa.gov](mailto:Stalcup.Dana@epa.gov)>, "Barmakian, Nancy" <[Barmakian.Nancy@epa.gov](mailto:Barmakian.Nancy@epa.gov)>, "Olson, Bryan" <[Olson.Bryan@epa.gov](mailto:Olson.Bryan@epa.gov)>, "Murphy, Jim" <[Murphy.Jim@epa.gov](mailto:Murphy.Jim@epa.gov)>, "Hathaway, Ed" <[Hathaway.Ed@epa.gov](mailto:Hathaway.Ed@epa.gov)>  
**Subject: RE: New Language for Ely Copper Mine Proposed Plan**

In order to get the new language into the Proposed Plan and the plan reformatted/published, we'd need approval/edits by Thursday. Earlier the better, but I know you folks are busy!

**From:** Grantham, Nancy

**Sent:** Monday, August 17, 2015 8:41 AM  
**To:** Loughlin, Anni  
**Cc:** Stalcup, Dana; Barmakian, Nancy; Olson, Bryan; Murphy, Jim; Hathaway, Ed  
**Subject:** Re: New Language for Ely Copper Mine Proposed Plan

Thx - when do you need approval? I need to run through opa at hq Thx ng

Sent from my iPhone

On Aug 17, 2015, at 6:37 AM, Loughlin, Anni <[loughlin.anni@epa.gov](mailto:loughlin.anni@epa.gov)> wrote:

Hello Dana and Nancy. Dana, as discussed last Thursday, 8/13, we agreed to proceed to issue the Proposed Plan for Ely Copper Mine in Vershire, VT, but to add a text box addressing the Gold King release in the plan.

Ed has drafted language below to include in the Proposed Plan, but is proposing to not specifically mention Gold King. Please let us know if you're OK with this approach and with the specific language.

Any questions, please feel free to give me a buzz at 617-918-1273, and thanks for all your help during this busy time!

**From:** Hathaway, Ed  
**Sent:** Friday, August 14, 2015 4:13 PM  
**To:** Loughlin, Anni; Olson, Bryan; Barmakian, Nancy; Murphy, Jim  
**Cc:** Harting-Barrat, Pamela  
**Subject:** New Language for Ely Copper Mine Proposed Plan

Below is my suggestion for the Ely Copper Mine proposed plan. This would be a text box at the end of the proposed plan. I decided not to specifically mention Gold King because the focus is how we will prevent any problems at the Ely Copper Mine. I have also added similar language to the FS to eliminate any ambiguity. Since we are not mentioning Gold King, do we need HQ review? I included in a sample text box format as well.

Ed

How will EPA protect against a uncontrolled release of water from the Deep Adit?

Prior to any excavation activities associated with the Deep Adit, a pre-design investigation will be performed to better understand the conditions within the adit, including the extent to which the adit is full of water. The investigations will include the installation of wells to assess the amount of water and water pressure within the adit, geophysics to better understand the configuration of the adit, water quality sampling, and flow measurements. The design will include measures to remove water that is found to be confined in the currently buried Deep Adit portal prior to any disturbance of that portal. These measures will eliminate the potential for an uncontrolled release of water from the adit. Once the adit entrance is stabilized, a flow-through bulkhead would be installed to regulate the release of water from the adit to allow treatment of the water prior to it discharging to Ely Brook.

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